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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/685,165	10/05/2000	Michael Carl Heumann	1776P	3401

7590 06/16/2003

Sawyer Law Group LLP
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Palo Alto, CA 94303

EXAMINER

KINDRED, ALFORD W

ART UNIT	PAPER NUMBER
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2172

DATE MAILED: 06/16/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

23

Office Action Summary

Application No.

09/685,165

Applicant(s)

HEUMANN ET AL.

Examiner

Alford W. Kindred

Art Unit

2172

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communications: request for reconsideration, filed on 3/31/03.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Presnell et al., US# 6,182,067 B1 in view of Dornbush et al., US# 6,471,521 B1.

As per claims 1, 9, 11, and 26-28, Presnell et al. teaches "receiving information input a database; organizing items . . . database" (see col. 4, lines 10-44) "allowing users to access and sort items of information according to selected rating criteria . . ." (see col. 8, lines 31-47). Presnell does not explicitly teach "collecting ratings and comments associated . . .". Dornbush et al. "collecting ratings and comments associated . . ." (see fig. 4—sheet 8 of 22 and col. 10, lines 55-67). It would have been obvious at the time of the invention for one of ordinary skill in the art to have combined the teachings of Dornbush and Presnell above, because using the steps of "collecting ratings and comments associated . . ." would have given those skilled in the art the tools to measure the relevancy of data received from a data via ratings and comments

regarding the data. This gives users the advantage of receiving information relevant data based on input by users who are familiar with that data.

As per claim 2, Presnell et al. teaches "adding content, multi-criteria ratings and comment . . ." (see col. 9, lines 55-67 and col. 10, lines 1-17).

As per claim 3, Presnell et al. teaches "displaying rating scores for each item . . ." (see col. 16, lines 43-67).

As per claim 4, Presnell et al. teaches "allowing users to locate and access selected content in a graphic display format" (see col. 12, lines 35-65).

As per claim 5, Presnell et al. teaches "constraining the input according to subject and topic classification choices made by user prior to contributing content" (see col. 18, lines 4-39).

As per claims 6-7, Presnell et al. teaches "graphic symbols for representing the aggregate rating scores for each criteria . . ." (see col. 16, lines 40-65).

As per claims 8 and 27, Presnell et al. teaches "provides a side-side . . . allowing individuals to make informed decisions . . ." (see col. 3, lines 20-40).

As per claim 10, Presnell et al. teaches "the graphic display format provides a display of other comments providing additional information . . ." (see col. 3, lines 14-56).

As per claim 12, Presnell et al. teaches "displaying the level of support for an item of information . . ." (see abstract).

As per claims 13-14, Presnell et al. teaches "selected rating criteria . . . weighted combinations . . ." (see col. 4, lines 16-67).

As per claims 15-17, Presnell et al. teaches "selected personal preferences indicating the importance of each rating criteria . . ." (see col. 16, lines 46-67).

As per claim 18, Presnell et al. teaches "allowing users to search on a given subject . . ." (see col. 15, lines 20-55).

As per claims 19-21, Presnell et al. teaches "allowing users to add new subject . . . knowledge base" (see col. 18, lines 2-17).

As per claim 22, Presnell et al. teaches "allowing content . . . comment feedback" (see col. 3, lines 39-63).

As per claim 23, Presnell et al. teaches "a first area that shows the subject . . ." (see col. 11, lines 34-67) "a third area that shows ratings related to the subjects . . ." (see col. 16, lines 40-67).

As per claim 24, this claim is rejection on grounds corresponding to the arguments given above for rejected claim 6 and are similarly rejected.

As per claim 25, Presnell et al. teaches "provides a navigation area indicating where the posting is located within the data base structure" (see fig. 11A—sheet 14 of 31).

Response to Arguments

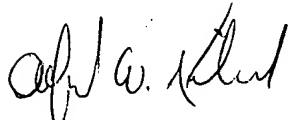
4. Applicant's arguments with respect to claims 1-28 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alford W. Kindred whose telephone number is 703-305-3802. The examiner can normally be reached on Mon-Friday, 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 703-305-4393. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.



Alford W. Kindred
Patent Examiner
Tech Ctr. 2100
June 10, 2003